

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DAVID GOLDSTINE,

Plaintiff,

v.

FEDEX FREIGHT INC,

Defendant.

CASE NO. C18-1164 MJP

ORDER DENYING MOTION FOR  
RECONSIDERATION

This matter comes before the Court on Defendant FedEx Freight Inc.'s Motion for Reconsideration of the Court's Order on FedEx's Motion for Judgment as a Matter of Law. (Dkt. No. 412.) The Court has reviewed the Motion and DENIES it.

"Motions for reconsideration are disfavored." Local Rule 7(h)(1). "The court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence." Id.

1 FedEx argues the Court committed manifest error when it did not consider arguments it  
2 attempted but failed to include “by reference” in its Motion for Judgment as a Matter of Law  
3 (Dkt. No. 350 (“Motion”)). The Court finds no such error. First, it was incumbent upon FedEx to  
4 provide correct citations to the record in support of its Motion. Second, if a party wishes to  
5 advance an argument, it must do so within the page limits applicable to the brief it files. So if  
6 FedEx believed any of the arguments had merit, it should have made them in the body of the  
7 Motion itself. Third, even if FedEx had provided a correct citation, the Court would have  
8 stricken the “incorporated” argument because it would have pushed the Motion well beyond the  
9 12-page limit set by Local Rule. See Local Rule 7(e)(4). Fourth, as FedEx notes, the Court  
10 already denied the prior challenges to the jury instructions and FedEx’s Motion included no  
11 argument explaining why that prior ruling was flawed. And the Court did consider and address  
12 the actual arguments FedEx advanced in the Motion concerning jury instructions. (See Dkt. No.  
13 407 at 21.) The Court finds no evidence of manifest error and DENIES the Motion.

14 The clerk is ordered to provide copies of this order to all counsel.

15 Dated March 19, 2021.

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17 Marsha J. Pechman  
18 United States District Judge  
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